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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of:
Ichiro Nakano et al
Application No. 09/248,111
Filed: February 11, 1999

For: **MOVING IMAGE DATA CONTROLLING
APPARATUS AND METHOD**

DECISION ON PETITION

This is in response to the Petition to withdraw the Holding of Abandonment for the above-identified application, filed February 24, 2003.

The above identified application was abandoned for failure to respond in a timely and effective manner to a non-final Office action mailed July 16, 2002. A Notice of Abandonment was mailed February 11, 2003.

Petitioner asserts that a proper response was in fact timely filed. In support of the petition, petitioner has submitted a date stamped post card receipt, indicating that an Amendment, a request for a TWO (2) month Extension of Time, and a check in the amount of \$ 520.00 were received in the Patent and Trademark Office on December 12, 2002.

The original response was not matched with the file at the time the Notice of Abandonment was mailed and cannot be located. However, M.P.E.P. § 503 states, "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as a *prima facie* evidence of receipt in the Patent and Trademark Office (PTO) of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the response was timely filed in the Office but not matched with the application file.

Furthermore, a review of the PTO Revenue Accounting and Management (RAM) system finds that \$ 520 in fees by check were received and processed for the instant application on December 13, 2002.

For the above stated reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The petition is **GRANTED**.

The application file is being forwarded to the Technology Center's technical support staff for entry of the amendment. From there the application file will be forwarded to the examiner for consideration in due course.

Allen MacDonald, Director
Technology Center 2600
Communications